

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ANTHONY D. AMAKER, et al.,

Plaintiffs,

v.

ORDER
06-CV-490

COMMISSIONER GLENN S. GOORD, et al.,

Defendants.

This case was referred to Magistrate Judge H. Kenneth Schroeder, Jr. pursuant to 28 U.S.C. § 636(b)(1). On May 1, 2009, defendants filed a motion for summary judgment. On September 4, 2009 plaintiffs filed a motion for summary judgment. On March 25, 2010, Magistrate Judge Schroeder filed a Report and Recommendation, recommending that defendants' motion be granted in part and that plaintiffs' motion be granted in part.

Defendants filed objections to the Report and Recommendation on April 8, 2010 and plaintiffs filed a response thereto.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a de novo determination of those portions of the Report and Recommendation to which objections have been made. Upon a de novo review of the Report and Recommendation, and after reviewing the submissions, the Court adopts the proposed findings of the Report and Recommendation.

Accordingly, for the reasons set forth in Magistrate Judge Schroeder's Report and Recommendation, defendants' motion for summary judgment is granted insofar as defendants seek to dismiss plaintiffs' claims for monetary damages under RLUIPA and otherwise is denied; plaintiffs' motion for summary judgment is granted insofar as plaintiffs seek permanent injunctive relief pursuant to RLUIPA and that defendants are permanently enjoined from punishing plaintiffs for refusing to cut their hair or refusing to change their religious affiliation and from precluding plaintiffs' attendance at Nation of Islam services and classes because of their dreadlocks; and plaintiffs' motion for summary judgment is granted with respect to plaintiffs' cause of action alleging a violation of their free exercise rights pursuant to the First Amendment of the United States Constitution.

The case is referred back to Magistrate Judge Schroeder for further proceedings.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

DATED: JUNE 23, 2010